



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 14th March, 2017:—

BILL NO. 45 OF 2017

A Bill to establish and declare the Footwear Design and Development Institute as an institution of national importance for the promotion and development of quality and excellence in education, research and training in all disciplines relating to footwear and leather products design and development and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Footwear Design and Development Institute Act, 2017.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference to the commencement in any such provision of this Act shall be construed as a reference to the commencement of that provision.

Declaration of Footwear Design and Development Institute as an institution of national importance.

2. Whereas the objects of the institution known as the Footwear Design and Development Institute, are such as to make it the institution of national importance, it is hereby declared that the Footwear Design and Development Institute is an institution of national importance.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) “Chairperson” means the Chairperson of the Institute nominated under clause (a) of sub-section (3) of section 4;

(b) “design” means a rational, logical and sequential innovation process for the purposes of transferring culture to viable products and services in footwear and leather products, including fashion and retail thereof and for providing a competitive edge to products and services;

(c) “development” means the systematic use of scientific and technical knowledge to meet specific objective or requirements and includes an extension of the theoretical or practical aspects of concepts, design, discovery and invention including business thereof;

(d) “Executive Director” means the Executive Director of the Institute campus appointed under section 18;

(e) “Fund” means the Fund of the institute to be maintained under section 21;

(f) “Governing Council” means the Governing Council of the Institute constituted under sub-section (3) of section 4;

(g) “Institute” means the Footwear Design and Development Institute established under sub-section (1) of section 4;

(h) “Institute campus” means an Institute campus specified in the Schedule;

(i) “leather products” includes a product made of leather or any other material or combination thereof;

(j) “Managing Director” means the Managing Director of the Institute appointed under section 16;

(k) “Member” means a Member of the Governing Council and includes the Chairperson;

(l) “notification” means a notification published in the Official Gazette;

(m) “prescribed” means prescribed by rules made under this Act;

(n) “Schedule” means the Schedule appended to this Act;

(o) “Secretary” means the Secretary of the Institute appointed under section 17;

(p) “Senate” means the Senate of the Institute referred to in section 13;

(q) “Society” means the Footwear Design and Development Institute registered under the Societies Registration Act, 1860;

(r) “Statutes” and “Ordinances” mean respectively the Statutes and the Ordinances of the Institute made under this Act.

CHAPTER II

THE INSTITUTE

4. (1) On and from the date of commencement of this Act, the Footwear Design and Development Institute shall be established as a body corporate by the name aforesaid. Establishment of Institute.

(2) The Institute shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue or be sued.

(3) The Institute shall consist of a Governing Council having the following Members, namely:—

(a) a Chairperson, who shall be an eminent academician, scientist, or industrialist from leather sector, to be nominated by the Central Government;

(b) the Managing Director, *ex officio*;

(c) the Joint Secretary in the Ministry or Department in the Government of India dealing with Footwear Design and Development Institute, *ex officio*;

(d) the Joint Secretary in the Ministry or Department in the Government of India dealing with the leather, retail or fashion sector, *ex officio*;

(e) the Director Finance of the Ministry or the Department in the Government of India dealing with Footwear Design and Development Institute, *ex officio*;

(f) a representative of Ministry or Department in the Government of India dealing with skill development and entrepreneurship, *ex officio*;

(g) four professionals or industrialists to represent the Council for Leather Exports, the Indian Leather Garments Association, the Indian Footwear Components Manufacturers Association, and the Confederation of Indian Industry National Committee on Leather, Footwear and Leather Products, to be nominated by the Central Government; and

(h) one person each from the National Institute of Fashion Technology, National Institute of Design, the Central Leather Research Institute, the Indian Institute of Technology and the Indian Institute of Management, to be nominated by the Central Government.

(4) The term of office of the Chairperson and other Members, other than *ex officio* Members thereof, shall be three years and they shall be entitled for such allowances as may be determined by the Central Government.

(5) The term of office of the Members nominated to fill a casual vacancy shall continue for the remainder of the term of the Member in whose place he has been nominated.

(6) The Governing Council shall meet at least two times in a year at such place and time and observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by the Governing Council.

(7) Save as otherwise provided in this section, the term of office of an *ex officio* member shall continue as long as he holds the office by virtue of which he is a member.

5. On and from the date of commencement of this Act, subject to the other provisions of this Act, all properties which had vested in the Society, immediately before the commencement of this Act, shall on and from such commencement, vest in the Institute. Vesting of properties.

6. On and from the date of commencement of this Act,—

(a) any reference to the Society in any contract or other instrument shall be deemed as a reference to the Institute; Effect of incorporation of Institute.

(b) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the Institute;

(c) every person employed by the Society, immediately before the appointed day, shall hold office or service in the Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same, if this Act had not been passed, and shall continue to be so, unless and until his employment is terminated or until such tenure, remuneration, terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute of compensation equivalent to three months' remuneration in the case of permanent employee and one month's remuneration in the case of other employee;

(d) every person pursuing, before the date of commencement of this Act, any academic or research course in existing Institute campus, shall be deemed to have migrated and registered with the corresponding Institute campus on such commencement at the same level of study in the Institute campus from which such person migrated; and

(e) all suits and other legal proceedings instituted or which could have been instituted by or against the Society, immediately before the commencement of this Act shall be continued or instituted by or against the Institute.

Functions of
Institute.

7. The functions of the Institute shall be—

(i) to nurture and promote quality and excellence in education and research in the areas of footwear and leather products design and development and allied fields thereof;

(ii) develop and conduct courses leading to graduate and post-graduate degrees, doctoral and post-doctoral courses and research in the areas of footwear and leather products design and development and allied fields thereof;

(iii) to hold examinations and grant degrees, diplomas, certificates, or any other qualification;

(iv) to institute fellowships, scholarships and confer awards, honorary degrees or other academic distinctions or titles;

(v) to co-operate, associate and collaborate with educational or other institutions, research organisations or bodies corporate in any part of the world having objects wholly or partly similar to those of the Institute by exchange of faculty members, students, staff and scholars and generally in such manner as may be conducive to their common objective;

(vi) to conduct courses for teachers, technologists and other professionals in the areas of footwear and leather products design and development and allied fields thereof;

(vii) to undertake research, survey, and studies and application thereof, for improved quality and design, testing, and international marketing;

(viii) to provide consultancy, testing, inspection, certification, project implementation and design support to the institutions and industries in any part of the world;

(ix) to develop an international centre for creation and transmission of information, with focus on educational, professional and industrial commitments;

(x) to conduct skill development programs and to provide technical assistance to artisans, craftsmen, manufacturers, designers and exporters;

(xi) to design, develop, amend, update curriculums of the academic programs and training materials as per the sector's requirement and change of technology;

(xii) to acquire any patent or license relating to such invention, improvement or design or standardisation marks whether for general or specific purposes;

(xiii) to establish, form and maintain museums, libraries and collections of literature and films, slides, photographs, prototypes and other information;

(xiv) to function as a National resource centre for curriculum development, training the trainers and support skill development in the leather sector overall;

(xv) to frame the Statutes and the Ordinances and to alter, modify or rescind the same; and

(xvi) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.

8. (1) Subject to the provisions of this Act, the Governing Council, under overall control of the Central Government, shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.

Powers of
Governing
Council.

(2) Without prejudice to the provisions of sub-section (1), the Governing Council shall—

(a) take decisions on questions of policy relating to the administration and working of the Institute;

(b) institute academic and other posts and to make appointments thereto (except in the case of the Managing Director, Secretary and Executive Director);

(c) frame the Statutes and the Ordinances and to alter, modify or rescind the same;

(d) consider and pass resolutions on the annual report, the annual audited accounts and the budget estimates of the Institute for the next financial year as it thinks fit together with a statement of its development plans;

(e) receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from the testators, donors or transferors, as the case may be; and

(f) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the aforesaid powers.

(3) The Governing Council shall have the power to appoint such committees, as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(4) Notwithstanding anything contained in sub-section (2) of section 4, the Governing Council shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

(5) The Central Government may appoint one or more persons to review the work and

progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Central Government may direct.

(6) Upon receipt of any such report, the Central Government may take such action and issue such directions as it considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

(7) The Central Government shall have the power to remove Chairperson or other Members or reconstitute the Governing Council, if it considers it appropriate to do so.

(8) No Chairperson or Member shall be removed under sub-section (7) unless he has been given a reasonable opportunity of being heard in the matter.

Institute be
open to all
races, creeds
and classes.

9. (1) The Institute shall be open to persons of all sex and of whatever race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers or workers or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by the Institute, which in the opinion of the Governing Council involves conditions or obligations opposed to the spirit and object of this section.

Teaching at
Institute.

10. All teaching at the campuses of the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and the Ordinances made in this behalf.

Visitor.

11. The President of India shall be the Visitor of the Institute.

Authorities of
Institute.

12. The following shall be the authorities of the Institute, namely:—

(a) a Governing council;

(b) a Senate; and

(c) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

The Senate.

13. The Senate of the Institute shall consist of the following persons, namely:—

(a) the Managing Director, *ex officio* who shall be the Chairperson of the Senate;

(b) the Secretary, *ex officio*;

(c) the Executive Directors of all Institute campus, *ex officio*;

(d) all Senior Professors of the Institute;

(e) three persons, not being employees of the Institute, to be nominated by the Chairperson in consultation with the Managing Director, from amongst educationists of repute, from the fields of footwear, science, engineering and humanities and one of them shall be woman;

(f) one alumnus of the Institute to be nominated by the Chairperson in consultation with the Managing Director by rotation; and

(g) such other members of the staff as may be laid down in the Statutes.

Functions of
Senate.

14. (1) Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the Institute shall be the principal academic body of the Institute and shall have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examinations in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

(2) Without prejudice to the provisions of sub-section (1), the Senate shall have the following powers, namely:—

(a) to specify the criteria and process for admission to courses or programmes of study by the Institute;

(b) to recommend to the Governing Council for creation of teaching and other academic posts, determination of number and emoluments of such posts and defining the duties and conditions of service of teachers and other academic posts;

(c) to recommend to the Governing Council for commencement of new programmes and course of study;

(d) to specify academic contents of programmes and course of study and to undertake modifications therein;

(e) to specify the academic calendar and approve grant of degrees, diplomas and other academic distinctions or titles; and

(f) to exercise such other powers and discharge such other functions as may be assigned to it, by Statutes or by the Governing Council.

15. (1) The Chairperson shall ordinarily preside at the meetings of the Governing Council and at the Convocations of the Institute.

Functions,
powers and
duties of
Chairperson.

(2) The Chairperson shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes.

(3) The Chairperson shall have the authority to review periodically the work and progress of the Institute and to order enquiries into the affairs of the Institute.

16. (1) The Managing Director of the Institute shall be appointed by the Central Government for a tenure of five years and on such terms and conditions of services as may be prescribed.

Managing
Director.

(2) The Managing Director shall be the principal executive officer of the Institute and shall be responsible for the proper administration of the Institute and for imparting of instruction and maintenance of discipline therein.

(3) The Managing Director shall exercise such other powers and perform such other duties as may be assigned to him by this Act, the Statutes and the Ordinances or delegated by the Governing Council or the Senate.

(4) The Managing Director shall submit annual reports and accounts to the Governing Council.

(5) The Central Government shall have the power to remove the Managing Director before the tenure of five years, if it considers it appropriate to do so on the grounds of misconduct or incapacity after giving him an opportunity of being heard in the matter.

(6) The Managing Director shall be responsible for the implementation of the decision of the Governing Council and the Senate.

17. (1) The Secretary of the Institute shall be appointed by the Central Government for a tenure of five years and on such terms and conditions of service as may be prescribed.

Secretary.

(2) The Secretary shall act as the Secretary of the Governing Council, the Senate and such committees as may be specified by the Statutes.

(3) The Secretary shall be responsible to the Managing Director for the proper discharge of his functions.

(4) The Secretary shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or the Managing Director.

18. (1) The Executive Director of each Institute campus shall be appointed by the Central Government for a tenure of five years and on such terms and conditions as may be prescribed and shall exercise such powers and perform such duties as may be assigned to him by this Act or the Statutes or by the Managing Director.

Executive
Director.

(2) The Executive Director shall be the principal academic and executive officer of the Institute campus and shall be responsible for the implementation of the decision of the Governing Council and the Senate and the day-to-day administration of the Institute campus in consultation with the Managing Director.

Power and duties of other authorities and officers.

19. The powers and duties of authorities and officers, other than those hereinbefore mentioned, shall be determined by the Statutes.

Grants by Central Government.

20. For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit.

Funds of Institute.

21. (1) The Institute shall maintain a Fund to which shall be credited—

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of loans, grants, gifts, donations, benefactions, bequests or transfers; and

(d) All moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Governing Council decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute, including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

Setting up of endowment fund.

22. Notwithstanding anything contained in section 21, the Central Government may direct the Institute to—

(a) set-up an endowment fund and any other fund for specified purpose; and

(b) transfer money from its Fund to endowment fund or any other fund.

Accounts and audit.

23. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form as may be specified, in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India, generally has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Institute.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

24. (1) The Institute shall constitute, for the benefit of its employees, including the Managing Director in such manner and subject to such conditions as may be specified by the Statutes, such pension, insurance and provident funds as it may consider necessary.

Pension and provident fund.

19 of 1925.

(2) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

25. All appointments of the staff of the Institute, except that of the Managing Director, Secretary and Executive Director shall be made in accordance with the procedure laid down in the Statutes by—

Appointment.

(a) the Governing Council, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff in any cadre, the maximum of the pay scale for which is the same or higher than that of Assistant Professor; and

(b) the Managing Director, in any other case.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Statutes.

(a) the formation of departments of teaching, centre of research, establishment of workshops, laboratories, studios;

(b) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(c) the classification, term of office, qualification, the method of appointment and the determination of the terms and conditions of service of officers, teachers and other staff of the Institute;

(d) the reservation of posts for the Scheduled Castes, the Scheduled Tribes and other backward categories of person as may be determined by the Central Government;

(e) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;

(f) the constitution, powers and duties of the authorities of the Institute;

(g) the manner of filling up of vacancies among members of the Governing Council;

(h) the authentication of the orders and decisions of the Governing Council;

(i) the meetings of the Governing Council, Senate or any Committee, the quorum at such meetings and the procedure to be followed in the conduct of their business;

(j) conferment of honorary degree;

(k) the establishment and maintenance of halls and hostels;

(l) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and other charges; and

(m) any other matter which by this Act is to be or may be specified by the Statutes.

27. (1) The first Statutes of the Institute shall be framed by the Governing Council with the previous approval of the Visitor and shall be laid as soon as may be before each House of Parliament.

Statutes how made.

(2) The Governing Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) Every new Statute or addition to the Statute or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may remit it to the Governing Council for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

Ordinances.

28. Subject to the provisions of this Act and the Statutes, the Ordinances of the Institute may provide for all or any of the following matters, namely:—

(a) the admission of the students to the Institute;

(b) the reservation for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons;

(c) the courses of study to be laid down for all degrees, diplomas and certificates of the Institute;

(d) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and award of degrees, diplomas and certificates;

(e) the conditions for award of fellowships, scholarships, exhibitions, medals and prizes;

(f) the conditions and mode of appointment and duties of examining body, examiners and moderators;

(g) the conduct of examinations;

(h) the maintenance of discipline among the students of the Institute;

(i) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees, diplomas and certificates of the Institute; and

(j) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

Ordinance
how made.

29. (1) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

(2) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Governing Council and shall be considered by the Governing Council at its next succeeding meeting.

(3) The Governing Council shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

Tribunal of
Arbitration.

30. (1) Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee and an umpire appointed by the Visitor.

(2) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court.

(3) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing in any law for the time being in force relating to arbitration shall apply to arbitration under this section.

CHAPTER III

MISCELLANEOUS

31. No act of the Institute or Governing Council or Senate or any other body set-up under this Act or the Statutes, shall be invalid merely by reason of—

Act and proceedings not to be invalidated by vacancies.

(a) any vacancy in, or defect in the constitution thereof; or

(b) any defect in the election, nomination or appointment of a person acting as a member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

32. Notwithstanding anything contained in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency, including industry sponsoring a research scheme or a consultancy assignment or a teaching programme or a chaired professorship or a scholarship, etc., to be executed or endowed at the Institute—

Sponsored schemes.

(a) the amount received shall be kept by the Institute separately from the Fund of the Institute and utilised only for the purpose of the scheme; and

(b) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisations:

Provided that any money remaining unutilised shall be transferred to the endowment fund created under section 22 of this Act.

33. The Institute shall have the power to grant degrees, diplomas, certificates and other academic distinctions under this Act, which shall be equivalent to such corresponding degrees, diplomas, certificates and other academic distinctions granted by any University or Institute established or incorporated under any other law for the time being in force.

Power of Institute to grant degree, etc.

22 of 2005.

34. The provisions of the Right to Information Act, 2005 shall apply to the Institute, as if it were a public authority as defined in clause (h) of section 2 of the Right to Information Act, 2005.

Institute to be public authority under the Right to Information Act, 2005.

35. (1) The Central Government may, by notification, make rules to carry out the purposes of this Act.

Power of Central Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of appointment of the Managing Director, Secretary and Executive Director and terms and conditions of his services;

(b) the terms and conditions of service of the Managing Director, Secretary and the Executive Director under sub-section (1) of section 16, sub-section (1) of section 17 and sub-section (1) of section 18;

(c) the form and manner in which the books of account of the Institute shall be maintained under sub-section (1) of section 23;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of

no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Returns and information to be provided to Central Government.

36. The Institute shall furnish to the Central Government such returns or other information with respect to policies or activities as the Central Government may, for the purpose of reporting to Parliament or for the making of policy, from time to time, require.

Transitional provisions.

37. Notwithstanding anything contained in this Act—

(a) the Governing Council of the Society functioning as such, immediately before the commencement of this Act shall continue to so function until a new Governing Council is constituted for the Institute under this Act, but on the constitution of a new Governing Council under this Act the members of the Governing Council holding office before such constitution shall cease to hold office;

(b) until the first Statutes and the Ordinances are made under this Act, the rules and regulations, instructions and guidelines of the Society as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act; and

(c) any student who joined classes of the existing Institute on or after the academic year 2012-2013 or completed the course on or after the academic year 2013-2014 shall for the purposes of clause (iii) of section 7, be deemed to have pursued a course of study in the existing Institute if such student has not already been awarded degree or diploma for the same course of study.

Statute and Ordinance to be published in the Official Gazette and to be laid before Parliament.

38. (1) Every Statute or Ordinance made under this Act shall be published in the Official Gazette.

(2) Every Statute or Ordinance made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute or Ordinance or both Houses agree that the Statute or Ordinance should not be made, the Statute or Ordinance shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute or Ordinance.

(3) The power to make Statutes or Ordinances shall include the power to give retrospective effect with the approval of the Central Government from a date not earlier than the date of commencement of this Act to Statutes or Ordinances or any of them but no retrospective effect shall be given to any Statute or Ordinance so as to prejudicially affect the interests of any person to whom such Statutes or Ordinances may be applicable.

Power to remove difficulties.

39. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the purposes of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE SCHEDULE

[See section 3(h)]

INSTITUTE CAMPUSES

Sl. No.	Name of the State	Name and address of the existing Institute campus and its location
(1)	(2)	(3)
1.	Uttar Pradesh	Footwear Design and Development Institute, A-10/A, Sector-24, Noida, Gautam Budh Nagar, Pin-201301.
2.	Tamil Nadu	Footwear Design and Development Institute, Plot No. E-1, SIPCOT Industrial Park, Irrungattukotai, Kancheepuram.
3.	West Bengal	Footwear Design and Development Institute, Kolkata Leather Complex, Mouzakariadanga, J.L No-32 and Gangapur, J.L No-35, Kolkata.
4.	Haryana	Footwear Design and Development Institute, Plot No. 1, Sector-31 B, IMT Rohtak.
5.	Rajasthan	Footwear Design and Development Institute, Village Mandor, Tehsil Jodhpur, District- Jodhpur.
6.	Uttar Pradesh	Footwear Design and Development Institute, Sultanpur Road, Fursatganj, Raebareli, Pin-229302.
7.	Madhya Pradesh	Footwear Design and Development Institute, Corner Plot., Khasara No. 31, Nagpur-Batil Road, Immlikhera Chowk, Chhindwara.
8.	Madhya Pradesh	Footwear Design and Development Institute, Gram Maharajpura Panchayat, Hari Pur, Phawa No-42, Survey No. 571/158, 61/1/1/1 on Gram Puraposar Road, Guna.
9.	Bihar	Footwear Design and Development Institute, Plot No. P-6, Megha Industrial Area, Moza Dumri, Arra Road, Patna.
10.	Telangana	Footwear Design and Development Institute, LIDCAP Campus, HS Durga, Gachibowli, Bidar-Hyderabad Road, Hyderabad.
11.	Gujarat	Footwear Design and Development Institute, Plot No. H-3301, Near ESIC Hospital, Ankleshwar Industrial Estate, Ankleshwar.
12.	Punjab	Footwear Design and Development Institute, District SAS Nagar (Mohali), Chandigarh-Patiala Highway, Chandigarh.

STATEMENT OF OBJECTS AND REASONS

The Footwear Design and Development Institute was established in 1986 with the objective of providing skilled human resource to the leather sector.

2. The footwear, leather and retail sector in India has been growing both in terms of value and volume. India is the third biggest market of footwear and prominent exporter of the footwear and leather goods. Being a highly labour intensive industry, the requirement for trained human resources for leather and footwear sector is immense. There is a strong need for upgradation of the Institution enabling it to deal with international standards and market.

3. The Global footwear market is expected to reach US\$220.2 billion by 2020 from the current level of US\$ 198.7 billion. The opportunity cost of not investing in human resources required for this sector in India at this juncture would result in increased imports thereby, impacting the domestic and exports sector of footwear and leather products. It is proposed to empower the Institute to improve its capacity and performance with a view to address the shortage of the trained human resource.

4. In view of the above, it is proposed to declare the Footwear Design and Development Institute as an institution of national importance and enable it to emerge as centre of excellence with the objective of meeting the national and international standards for the promotion and development of quality and excellence in education, research and training in all disciplines relating to footwear and leather products design and development.

5. The Footwear Design and Development Institute Bill, 2017, *inter alia*, proposes to—

(i) declare the Footwear Design and Development Institute as an institution of National Importance;

(ii) establish a Governing Council and other authorities of the Institute; and

(iii) empower the Institute to grant degrees, diplomas, certificates, or any other qualification to students of the Institute.

6. The notes on clauses explain in detail the various provisions of the Bill.

7. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 28th February, 2017.

NIRMALA SITHARAMAN.

Notes on Clauses

Clause 1.—This clause relates to the short title and commencement of the proposed legislation.

Clause 2.—This clause relates to the declaration of the Footwear Design and Development Institute as an institution of national importance.

Clause 3.—This clause defines certain expressions used in the proposed legislation. These definitions, *inter alia*, include "Governing Council", "Design", "Institute", "Senate".

Clause 4.—This clause relates to the establishment of the Institute. It provides that the Footwear Design and Development Institute shall be established on and from the date of the commencement of the proposed legislation as a body corporate. It further provides that it shall consist of a Governing Council having a Chairperson, Managing Director and other members. It also provides the term of office of the Chairperson and other members of the Governing Council other than *ex officio* members and filling of their vacancies and allowances payable to them and provides that the Governing Council shall meet at least two times in a year at such place and time and observe such rules of procedure in regard to the transaction of business at its meetings, as may be determined by the Governing Council.

Clause 5.—This clause relates to the vesting of the properties of the Institute. It provides that all property belonging to the Society immediately before the commencement of this Act shall vest with the Institute.

Clause 6.—This clause relates to the effect of incorporation of the Institute. It provides that every person employed by the Society, immediately before the commencement of the proposed legislation, shall hold his office or service in the Institute, by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges and all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the Institute. It further provides that every person pursuing any academic or research course in existing Institute campus, shall be deemed to have migrated and registered with the corresponding Institute campus at the same level of study in the Institute campus from which such person migrated. It also provides that all suits and other legal proceedings instituted or which could have been instituted by or against the Society shall be continued or instituted by or against the Institute.

Clause 7.—This clause relates to the functions of the Institute. It provides that functions of the Institute, *inter alia*, include to provide for instructions, research and training in the areas or disciplines relating to footwear and leather products design and development: to develop courses leading to graduate and post-graduate degrees, doctoral and post-doctoral distinctions and research in all areas or disciplines relating to footwear and leather products design and development and to frame Statutes and Ordinances and to alter, modify or rescind the same.

Clause 8.—This clause relates to powers of the Governing Council. It provides that the Governing Council shall be responsible for the general superintendence, direction and control of the affairs of the Institute under the overall control of the Central Government and shall have the power to review the acts of the Senate; provides for powers of Central Government to issue directions for effective administration of the proposed legislation. It further enumerates the functions of the Governing Council. It also provides that the Governing Council has the power to appoint committees. It also provides that it shall not dispose of any property of the Institute without the approval of the Central Government.

Clause 9.—This clause provides that the Institute shall be open to all races, creeds, and classes.

Clause 10.—This clause provides that all teaching at the Institute and the Institute campuses shall be conducted by or in the name of the Institute in accordance with the Statutes and Ordinances.

Clause 11.—This clause provides that the President shall be the Visitor of the Institute.

Clause 12.—This clause relates to authorities of the Institute. It provides that authorities of the Institute shall be the Governing Council, a Senate and such other authorities as may be declared by the Statutes.

Clause 13.—This clause relates to the Senate. It provides the composition of the Senate consisting of the Managing Director, Secretary, Executive Directors of all the Institute campus, Senior Professors of the Institute, three persons and one alumnus of the Institute nominated by the Chairperson in consultation with the Managing Director and such other members of the staff as laid down in the Statutes.

Clause 14.—This clause relates to the functions of the Senate. It provides that the Senate shall be principal academic body of the Institute and shall have control and be responsible for the maintenance of standards of instructions, education and examination in the Institute and exercise such other powers and perform such other duties as may be imposed on it by the Statutes.

Clause 15.—This clause relates to functions, powers and duties of the Chairperson. It provides that the Chairperson shall ordinarily preside at the meetings of the Governing Council and at the Convocations of the Institute and exercise such powers and perform such duties as are assigned to him under the Statutes.

Clause 16.—This clause relates to Managing Director. It provides the terms and conditions of service of the Managing Director of the Institute who shall be appointed by the Central Government for a tenure of five years on such terms and conditions of services as may be prescribed. It further provides that the Managing Director shall be the principal executive officer of the Institute and shall be responsible for the implementation of the decision of the Governing Council and Senate.

Clause 17.—This clause relates to the Secretary. It provides for the appointment, powers and duties of the Secretary who shall be appointed by the Central Government for a tenure of five years on such terms and conditions as may be prescribed. It further provides that the Secretary shall act as the Secretary of the Governing Council, the Senate and such committees as may be specified by the Statutes.

Clause 18.—This clause provides for the terms and conditions of service of the Executive Director of the Institute who shall be appointed by the Central Government for a tenure of five years on such terms and conditions of services as may be prescribed; provides that Executive Director of each Institute campus shall look after all academic, administrative, research and other activities of the Institute Campus in consultation with the Managing Director.

Clause 19.—This clause relates to the powers and duties of other authorities and officers of the Institute to be determined by the Statutes.

Clause 20.—This clause relates to the grants by the Central Government. It provides that the Central Government may, after due appropriation made by the Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit for enabling the Institute to discharge its functions efficiently under this Act.

Clause 21.—This clause provides for the maintenance of a Fund by the Institute which shall be applied towards meeting the expenses of the Institute.

Clause 22.—This clause provides for the setting up of an Endowment Fund and any other Fund for specified purpose.

Clause 23.—This clause relates to the accounts and audit. It provides for the maintenance of proper accounts and other relevant records, an annual statement of accounts including the balance-sheet in accordance with general directions issued by the Central Government in consultation with the Comptroller and Auditor-General of India and the same shall be audited by the Comptroller and Auditor-General of India.

Clause 24.—This clause provides for the constitution of pension, insurance and provident funds for the benefit of the employees including the Managing Director of the Institute.

Clause 25.—This clause provides for the appointment of the staff of the Institute in accordance with the procedure laid down in the Statutes by the Governing Council.

Clause 26.—This clause provides for framing of the Statutes, *inter alia*, with respect to conferment of honorary degrees: the formation of departments of teaching, establishment of workshops, laboratories and studios; fees for residence and hostels of students; institution of fellowships, scholarships, exhibitions, medals and prizes; qualifications of teachers of the Institute.

Clause 27.—This clause provides for the procedure regarding framing of the first Statutes of the Institute and making of new or additional Statutes as well as their amendment and repeal.

Clause 28.—This clause provides for Ordinances to be made, *inter alia*, relating to the admission of the students to the Institute; reservation in admission to various courses or programmes of the Institute for the Scheduled Castes, the Scheduled Tribes and Other Backward Classes; courses of study to be laid down for all degrees, diplomas and certificates of the Institute, etc.

Clause 29.—This clause provides for the procedure of making Ordinances by the Senate.

Clause 30.—This clause provides for a Tribunal of Arbitration for settlement of disputes between the Institute and its employees consisting of one member appointed by the Institute, one member nominated by the employee and an umpire appointed by the Visitor. It further provides that decision of the Tribunal shall be final and no suit or proceeding shall lie in any court in respect of any matter referred to the Tribunal of Arbitration.

Clause 31.—This clause provides that acts and proceedings of the Institute or Governing Council or Senate or any other authority shall not be invalidated by any vacancy, etc.

Clause 32.—This clause relates to various sponsored Schemes of the Institute and its utilisation.

Clause 33.—This clause relates to power of Institute to grant degrees, diplomas, certificates and other academic distinctions.

Clause 34.—This clause provides the application of the provisions of the Right to Information Act, 2005 to the Institute, as if it were a public authority defined in the said Act.

Clause 35.—This clause confers power upon the Central Government to make rules in respect of the matters specified in the proposed legislation. It further provides that the rules made by the Central Government shall be laid before each House of Parliament.

Clause 36.—This clause relates to returns and information which may be provided to Central Government.

Clause 37.—This clause makes transitional provisions. It provides for the continuation of the existing Governing Council till the constitution of a new Council under the provisions of the proposed legislation and other transitional provisions.

Clause 38.—This clause provides for the publication of every Statute or Ordinance in the Official Gazette and also for its laying before Parliament. It further provides that the

power to make Statutes or Ordinances shall include the power to give retrospective effect from a date not earlier than the date of commencement of the proposed legislation.

Clause 39.—This clause relates to the power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the purposes of this Act, as appears to it to be necessary or expedient for removing the difficulty. It further provides that no such order shall be made after the expiry of two years from the commencement of the Act. It also provides that every such order shall be laid before each House of Parliament.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Footwear Design and Development Institute shall be established as a body corporate. The existing Institute is centrally funded for meeting their capital expenditure. The financial assistance on capital expenditure would be provided to the Institute, if considered necessary, by the Central Government.

2. Clause 20 of the Bill, *inter alia*, provides that the Central Government may, after due appropriation made by Parliament by law pay to the Institute in each financial year such sums of money in such manner as it may think fit.

3. The expenditure on maintenance of the Institute shall be met out of the income generated by the Institute through its internal resources, therefore, it does not involve any recurring expenditure from the Government.

4. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 27 of the Bill empowers the Governing Council, to frame with the previous approval of the Visitor, the first Statutes of the Institute. Sub-clause (2) of the said clause provides that the Governing Council may, from time to time, make new or additional Statutes or amend or repeal such Statutes. Sub-clause (3) of the said clause provides that every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor. Sub-clause (4) of the said clause provides that a new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor. Clause 26 of the Bill enumerates the matters in respect of which Statutes may be made.

2. Clause 29 of the Bill empowers the Senate to make Ordinances. The Ordinances made by the Senate shall be submitted to the Governing Council and the Governing Council may by resolution cancel or modify such Ordinances. The matters in respect of which Ordinances may be made, *inter alia*, include: (a) the admission of the students to the Institute including Institute campus; (b) reservation for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons; (c) courses of study to be laid down for all degrees, diplomas and certificates of the Institute; (d) conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and award of degrees, diplomas and certificates; (e) the conditions of award of fellowships, scholarships, exhibitions, medals and prizes; (f) the conditions and mode of appointment and duties of examining body, examiners and moderators; (g) conduct of examinations; (h) the maintenance of discipline among the students of the Institute; (i) the fees to be charged for course of study in the Institute and for admission to the examination of degrees, diplomas and certificates of the Institute; and (j) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

3. Clause 35 of the Bill empowers the Central Government to make rules in respect of matters relating to the appointment of the Managing Director, Secretary and Executive Director and terms and conditions of his service under sub-section (1) of section 16, sub-section (1) of section 17 and sub-section (1) of section 18; the form and manner in which the books of account of the Institute shall be maintained under sub-section (1) of section 23 and any other matter which is required to be, or as may be, prescribed.

4. Sub-clause (3) of clause 35 provides that every rule made by the Central Government is required to be laid before each House of Parliament. Sub-clause (2) of clause 38 provides that every Statutes or Ordinances shall be required to be laid before each House of Parliament.

5. Sub-clause (1) of clause 39 empowers the Central Government, by order published in the Official Gazette make provisions not inconsistent with the provisions of the proposed legislation remove any difficulty that may arise in giving effect to the provisions of the proposed legislation as appears to it to be necessary or expedient. However, such order shall not be made after the expiry of two years from the date on which the proposed legislation receives the assent of the President and such order shall be laid before each House of Parliament.

6. The matters in respect of which the rules, the Statutes, or the Ordinances may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 46 OF 2017

A Bill further to amend the Inter-State River Water Disputes Act, 1956.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Inter-State River Water Disputes (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

33 of 1956.

2. In the Inter-State River Water Disputes Act, 1956 (hereinafter referred to as the principal Act), in section 2,— Amendment of section 2.

(i) for clause (a), the following clauses shall be substituted, namely:—

‘(a) “Chairperson” means the Chairperson of the Inter-State River Water Disputes Tribunal referred to in section 4B;

(aa) “existing Tribunal” means a Water Disputes Tribunal constituted prior to the date of commencement of the Inter-State River Water Disputes (Amendment) Act, 2017;

(ab) “member” means a member of the Inter-State River Water Disputes Tribunal and includes the Chairperson and Vice-Chairperson;

(ac) “notification” means a notification published in the Official Gazette;

(ad) “prescribed” means prescribed by rules made under this Act;’.

(ii) for clause (b), the following clauses shall be substituted, namely:—

‘(b) “Tribunal” means the Inter-State River Water Disputes Tribunal established under section 4;

(ba) “Vice-Chairperson” means the Vice-Chairperson of the Tribunal referred to in section 4B;’.

Substitution of new sections 4, 4A, 4B, 4C and 4D for Section 4.

3. For section 4 of the principal Act, the following sections shall be substituted, namely:—

Establishment of Inter-State River Water Disputes Tribunal.

‘4. With effect from such date as the Central Government may, by notification, appoint, there shall be established a Tribunal, to be called the Inter-State River Water Disputes Tribunal, for the adjudication of water disputes:

Provided that on and from the date of establishment of the Tribunal, all existing Tribunals shall stand dissolved and the water disputes pending adjudication before such existing Tribunals shall stand transferred to the Tribunal:

Provided further that the Chairmen and other members of the existing Tribunals who have attained the age of seventy years as on the date of commencement of the Inter-State River Water Disputes (Amendment) Act, 2017 shall cease to hold office on the expiry of three months from the date of such commencement:

Provided also that a dispute which has already been adjudicated and settled by an existing Tribunal prior to the date of commencement of the Inter-State River Water Disputes (Amendment) Act, 2017 shall not be re-opened.

Disputes Resolution Committee.

4A. (1) As and when any request under section 3 is received from any State Government in respect of any water dispute, the Central Government shall set-up a Disputes Resolution Committee, consisting of members from such relevant fields, as it deems fit, for resolving the dispute amicably.

(2) The Disputes Resolution Committee shall try to resolve a water dispute by negotiations within a period of one year which may be extended to a further period of six months and submit its report to the Central Government.

(3) The report submitted by the Disputes Resolution Committee shall contain details of—

(a) the stand taken by each State Government during negotiation;

(b) the views of members of the Committee on such stand; and

(c) all relevant facts, information and data relating thereto.

(4) Any water dispute which cannot be settled by negotiations shall be referred by the Central Government, by notification, to the Tribunal for its adjudication within a period of three months from the date of receipt of the report under sub-section (2).

Composition of Tribunal.

4B. Subject to the provisions of section 12, the Tribunal shall consist of a Chairperson, Vice-Chairperson and not more than six members to be nominated in this behalf by the Chief Justice of India from amongst persons who at the time of such nomination are Judges of the Supreme Court or of a High Court:

Provided that the Chairmen and other members of the existing Tribunals (other than members who have ceased to hold office under second proviso to section 4) shall be nominated by the Chief Justice of India as Chairperson, Vice-Chairperson and Members of the Tribunal and they shall continue as such, subject to the provisions of section 4C.

4C. (1) The Chairperson shall hold office for a period of five years or till he attains the age of seventy years, whichever is earlier. Term of office.

(2) The term of office of the Vice-Chairperson and other members of the Tribunal shall be co-terminus with the adjudication of the water dispute and they shall cease to hold office upon dissolution of the bench under sub-section (2) of section 12:

Provided that no member shall hold office after he has attained the age of seventy years.

4D. (1) Subject to other provisions of this Act,—

Benches of
Tribunal.

(a) the jurisdiction of the Tribunal may be exercised by the Benches thereof;

(b) the Chairperson may constitute a Bench with three members, out of which the senior-most member shall preside over the Bench:

Provided that a member of a Bench may also be a member of another Bench.

Explanation.—For the purposes of this clause, the term “senior-most member” means that a Judge of the Supreme Court shall always be senior to a Judge of a High Court and their seniority shall be determined from the date of their respective appointment as the Judge of the Supreme Court or of a High Court.

(2) The Benches of the Tribunal shall ordinarily sit at New Delhi or at such other places as the Chairperson may decide.’.

4. In section 5 of the principal Act,—

Amendment
of section 5.

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) On receipt of a reference in respect of any water dispute from the Central Government, the Chairperson shall assign such dispute to a Bench of the Tribunal to its adjudication.

(2) The Bench of the Tribunal shall, before investigating the water dispute referred to it under sub-section (1), take into consideration the report submitted by the Disputes Resolution Committee under sub-section (2) of section 4A, and forward to the Central Government its detailed report setting out the facts as found by it including on yield, efficiency in the use of water and such other matters as may be prescribed, and giving its decision on such dispute within a period of two years:

Provided that such report shall also provide for the distribution of water during distress situations arising from shortage in the availability of water in such manner as may be prescribed:

Provided further that if the report cannot be given within a period of two years for any unavoidable reasons, the Central Government may extend such period to a further period not exceeding one year.”;

(b) in sub-section (3),—

(i) for the words “on such reference, the Tribunal may”, the words “on such reference, the Bench of the Tribunal concerned may” shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that the Central Government may extend the period of one year to a further period not exceeding six months.”.

Substitution of new sections 5A and 5B for section 5A.

Appointment of assessors.

5. For section 5A of the principal Act, the following sections shall be substituted, namely:—

“5A. (1) The Central Government may appoint two experts serving in the Central Water Engineering Service not below the rank of Chief Engineer as assessors for each water dispute to advise the Bench in the proceedings before it.

(2) The term of the assessors appointed under sub-section (1) shall be co-terminus with the adjudication of the dispute and they shall cease to be assessors after the dispute is adjudicated and the final report is forwarded to the Central Government.

Filling of vacancies, temporary absence, etc.

5B. (1) Subject to the provisions of this Act, if for any reason, a vacancy (other than a temporary absence) occurs in the office of the Chairperson, Vice-Chairperson or any other member of the Tribunal, such vacancy shall be filled by a person to be nominated in this behalf by the Chief Justice of India in accordance with section 4B.

(2) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Vice-Chairperson shall act as the Chairperson until the date on which a new Chairperson, nominated in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(3) When any member of a Bench of the Tribunal is unable to discharge his functions owing to absence, illness or any other cause, the Chairperson may assign the work of such member to any other member of the Tribunal till such member resumes his work.”.

Substitution of new section for section 6.

Decision of Bench of Tribunal binding on parties.

6. For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. The decision of the Bench of the Tribunal shall be final and binding on the parties to the dispute and shall have the same force as an order or decree of the Supreme Court.”.

Substitution of new section for section 9A.

Maintenance of databank and information.

7. For section 9A of the principal Act, the following section shall be substituted, namely:—

“9A. (1) The Central Government shall, for the purposes of maintaining a data-bank and information system at the national level for each river basin, appoint or authorise an agency which shall maintain data relating to water resources, land, agriculture and such other matter, containing such particulars and in such manner, as may be prescribed.

(2) As and when required by the Central Government, the State Government shall make available the data relating to any of the matters referred to in sub-section (1) to the Central Government or to the agency appointed or authorised under sub-section (1).

(3) The Central Government or the agency referred to in sub-section (1) shall have powers to summon and verify any data, record or other relevant information received from the State Government.”.

Substitution of new section for section 10.

Terms and conditions of service of members and assessors.

8. For section 10 of the principal Act, the following section shall be substituted, namely:—

“10. The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson, other members and assessors shall be such as may be prescribed.”.

9. For section 12 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections 12 and 12A for section 12.

“12. (1) After any water dispute assigned to a Bench of the Tribunal is adjudicated and it submits its decision or report, the Central Government shall, on the recommendations of the Chairperson, dissolve that Bench.

Dissolution of Bench.

(2) Upon dissolution of the Bench under sub-section (1), the members of that Bench (excluding Chairperson) shall vacate their respective offices:

Provided that where a member of a Bench is also a member of another Bench, such member shall continue as a member of such other Bench.

12A. (1) Upon the dissolution of a Bench of the Tribunal under section 12, the staff of such dissolved Bench shall be,—

Staff and assets of dissolved Bench.

(i) made available to any other Bench, if so required; or

(ii) repatriated to their parent cadre,

in such manner as may be prescribed.

(2) The assets and properties of the dissolved Bench shall be transferred to the Central Government or to the concerned State Government which provided such assets and properties.”.

10. In section 13 of the principal Act, in sub-section (2), for clauses (a) to (f), the following clauses shall be substituted, namely:—

Amendment of section 13.

“(a) the form and the manner in which a complaint as to any water dispute may be made by any State Government under section 3;

(b) the other matters, and the manner of providing for distribution of water during stress situations arising from shortage in the availability of water, under sub-section (2) of section 5;

(c) the other matters in respect of which the Tribunal may be vested with the powers of a civil court under clause (d) of sub-section (1) of section 9;

(d) the procedure to be followed by the Tribunal under sub-section (4) of section 9;

(e) the other matters in respect of which data is to be maintained, the particulars thereof, and the manner of maintaining such data under sub-section (1) of section 9A;

(f) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson under section 10;

(g) the allowances or fee payable to, and other terms and conditions of service of, the Vice-Chairperson, other members and assessors under section 10;

(h) the manner in which the staff of the dissolved Bench shall be dealt with under sub-section (1) of section 12A;

(i) any other matter which has to be, or may be, prescribed.”.

Substitution of
new section
for section 14.

11. For section 14 of the principal Act, the following section shall be substituted, namely:—

Matters
relating to
Ravi and Beas
Water
Tribunal.

“14. The Ravi and Beas Waters Tribunal constituted prior to the date of commencement of the Inter-State River Water Disputes (Amendment) Act, 2017 shall stand dissolved and the water disputes pending adjudication before it shall stand transferred to the Tribunal:

Provided that the concerned Bench shall proceed to deal with such dispute from the stage at which it was so transferred.”.

STATEMENT OF OBJECTS AND REASONS

On account of increase in demand for water by the States, the inter-State river water disputes are on the rise. Though the Inter-State River Water Disputes Act, 1956 (33 of 1956) provides for a legal framework to address such disputes, it suffers from many drawbacks. Under the said Act, a separate Tribunal has to be established for each inter-State river water disputes. Only three out of eight Tribunals have made awards which are accepted by the States. Though the Cauvery and Ravi Beas Water Disputes Tribunals have been in existence for over 26 and 30 years respectively, they have not been able to make any successful award till date. Further, there is no provision in the Act fixing time limit for adjudication by a Tribunal or for any upper age limit for the Chairman or a Member of a Tribunal. There is no mechanism for continuation of work on occurrence of any vacancy in the office of the Chairman or a Member of a Tribunal nor is there a time limit for publishing the report of the Tribunal. All these drawbacks are causing delay in the adjudication of water disputes.

2. The Inter-State River Water Disputes (Amendment) Bill, 2017 seeks to streamline the adjudication of inter-State river water disputes and make the present legal and institutional architecture robust. The Bill proposes to introduce a mechanism to resolve the water dispute amicably by negotiations through a Disputes Resolution Committee, to be established by the Central Government consisting of experts from relevant fields, before such dispute is referred to the Tribunal.

3. The proposed Bill further seeks to provide for a single standing Tribunal (with multiple Benches) instead of multiple Tribunals, which shall consist of one Chairperson, one Vice-Chairperson and not more than six Members. While the term of office of the Chairperson is five years or till he attains the age of seventy years, whichever is earlier, the term of office of Vice-Chairperson and other Members of the Tribunal shall be co-terminus with the adjudication of the water disputes. It is also proposed that the Assessors, who provide technical support to the Tribunal, shall be appointed from amongst experts serving in the Central Water Engineering Service not below the rank of Chief Engineer. The total time period for adjudication of a water dispute has been fixed at a maximum of four and half years. The decision of the Bench of the Tribunal shall be final and binding on the States concerned, with no requirement of its publication in the Official Gazette.

4. The proposed Bill also seeks to provide for transparent data collection system at the national level for each river basin and for this purpose, an agency to maintain databank and information system shall be appointed or authorised by the Central Government.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 1st March, 2017.

UMABHARTI.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to substitute new sections 4, 4A, 4B, 4C and 4D for section 4 of the Inter-State River Water Disputes Act, 1956. The proposed section 4 seeks to establish a single standing Inter-State River Water Disputes Tribunal with multiple Benches, which shall initially be constituted by merging of existing five Tribunals. As existing premises with necessary furniture are already available, no new premises or furniture are required for establishing the office of the new Standing Tribunal. Therefore, no non-recurring expenditure would be involved.

It is proposed to establish a single Standing Tribunal with multiple Benches, instead of multiple Tribunals, by merging existing five Tribunals. The new Tribunal shall consist of one Chairperson, one Vice-Chairperson and not more than six Members. Further, after the new Tribunal is established, the 107 sanctioned posts in the existing Tribunals are proposed to be reduced to 80 posts. Therefore, on establishment of proposed new Tribunal, the estimated annual recurring expenditure is likely to be reduced from existing Rs.8 Crores to Rs.5.5 Crores, thereby saving Rs. 2.5 Crores per annum.

The Bill, if enacted, therefore, does not involve any recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to substitute clauses (a) to (f) of sub-section (2) of section 13 relating to power to make rules. The proposed amendments seeks to provide for rule making powers in respect of—

- (i) the other matters and the manner of providing for distribution of water during stress situations arising from shortage in the availability of water;
- (ii) the other matters of which data is to be maintained, the particulars such data shall contain and the manner in which such data shall be maintained; and
- (iii) the manner in which the staff of the dissolved Bench shall be dealt with.

The matters in respect of which the rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANOOP MISHRA,
Secretary General.